From Tolerance to Unity: The Evolving Landscape of Pluralism in India

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In India, pluralism is a mix of many religious, cultural, ethnic, and linguistic groups. It permeates India's social structure and is mirrored in its legal system, which upholds and advances the liberties and rights of many communities. The Indian Constitution upholds religious freedom, values cultural variety, forbids prejudice based on caste or religion, and encourages linguistic diversity. Although acknowledged as a fundamental virtue in India, pluralism nevertheless confronts difficulties because of racial tensions, caste prejudice, and language differences. However, it continues to play a key role in India's multifaceted society, adding to the country's rich fabric of peace and inclusion. This Research paper includes a detailed history of pluralism in India and religious freedom addressing secularism in the Indian constitution. It covers themes including religious theory, conflicts between gender rights and indigenous religious morals, the Uniform Civil Code, defects, and the current scenario of pluralism in India.

Keywords: *pluralism, caste prejudice, language.*

INTRODUCTION

Imagine a place where lively Christian churches and towering mosques coexist with old Hindu temples casting lengthy shadows. Imagine colourful street celebrations honouring several languages and customs, each with a distinct beat. This is India, a nation whose identity is based

on the peaceful coexistence of diversity and a living tapestry woven from many strands of faith, race, and culture. However, this same cornerstone is constantly put to the test, with its elaborate design being both treasured and questioned.

India has long been praised as a special example of pluralism because of its wide range of religions, cultures, ethnicities, and languages. In India, pluralism refers to the peaceful coexistence of many religious, cultural, ethnic, and linguistic groups. India is a brilliant example of a society that celebrates variety and encourages inclusivity since this idea is ingrained in the social fabric of the country and protected by its legal system.

India has had a great diversity of religions throughout its history. Millions of individuals in the nation practise one or more of the main faiths, including Hinduism, Islam, Christianity, Sikhism, Buddhism, and Jainism. India's religious diversity is also influenced by a large number of indigenous and tribal religions. The people of India have learned to live in harmony while respecting one another's religions and religious practices despite disparities in beliefs, rites, and practises. India's social fabric has been characterised by this ethos of religious tolerance for many years.

India, a country renowned for its intricate cultural fabric, is evidence of the harmonious coexistence of many ethnic groups, languages, faiths, and customs. Deeply embedded in Indian society, the idea of pluralism has been essential in forming the nation's identity and creating a climate in which a wide range of customs and beliefs coexist harmoniously. In order to understand the complexity, difficulties, and continuing spirit that characterise this pluralistic mosaic, this research study explores the various subtleties of pluralism in India.

India's social, political, and economic environment has been shaped historically by the distinctive blending of diverse nationalities and beliefs. India has changed over time into a melting pot of customs that promotes unity despite variety, from the ancient civilizations that flourished along the Indus and Ganges rivers to the contemporary democratic republic that debuted in 1947. This paper looks at the historical foundations of pluralism, how it has changed through time, and how it has shaped modern-day India.

India's plurality now has to negotiate a changing environment. Aspirations for a contemporary nation are fuelled by globalisation and economic prosperity, but cultural identities are also being revived and asserted, and they are rightfully so. The voices on social media, both joyful and discordant, are amplified. Religious nationalism stirs up old fears, yet inclusiveness and tolerance are promoted by civil society groups. It is more important than ever to comprehend the potential and problems that come with diversity in this whirling kaleidoscope.

HISTORICAL EVOLUTION OF PLURALISM IN INDIA

India's diverse identity also prominently features a cultural variety. The nation is home to a wide range of unique cultural customs, traditions, and practices that change depending on the location. The cultural legacy of each state and community in India is distinct and includes music, dance, art, food, attire, and festivals. People from many cultural origins coexist and share their customs with respect and understanding, celebrating, and valuing the diversity of their cultures.

Another key aspect of India's pluralism is its ethnic variety. Scheduled Castes (Dalits), Scheduled Tribes (Adivasis), Other Backward Classes (OBCs), and several minority populations are among the many ethnic groupings that make up the nation. The Indian constitution recognises and protects these varied ethnic groups' unique identities as part of the country's cultural and social fabric.

Another characteristic of India's pluralism is its multiplicity of languages. Over 19,500 languages and dialects are spoken in the nation, which is renowned for its linguistic variety due to its enormous geographic size. At the national level, Hindi and English are acknowledged as the official languages of India, although each state also has one or more official languages. In recognition of the value of linguistic variety, the Indian Constitution allows for the use of one's mother tongue or another language of one's choice in the areas of education, government, and the court.

India's legal system demonstrates its dedication to inclusivity and pluralism. The secularism, pluralism, and equality values included in the 1950-adopted Indian constitution serve as the cornerstone of India's legal system for preserving and advancing variety. No matter their

religion, caste, ethnicity, or language, all people are guaranteed under the Constitution essential rights and freedoms, including freedom of expression, equality before the law, and the right to practise their faith. Additionally, it acknowledges and defends the rights of religious and cultural minorities and offers affirmative action policies, often known as reserves, to advance social justice and equality for historically marginalised communities.

In addition to the constitutional requirements, India has passed laws that deal with issues including racial tensions, hate speech, and discrimination based on language, caste, race, or religion. These laws seek to uphold the rights and liberties of all people and groups while fostering inclusion and peace in a multicultural society.

It's crucial to recognise that India's plurality has limitations and struggles as well. Some of the problems that continue to be of concern include dialect disagreements, caste discrimination, and intercommunal confrontations. The idea of plurality in India is challenged by incidences of prejudice, intolerance, and violence directed at particular communities despite the legal structure in place.

Nevertheless, plurality in India continues to be an important part of the nation's character and to have a considerable impact on the development of its social, cultural, and legal environment. India's people live in a pluralistic society that celebrates differences and encourages inclusivity. This spirit of pluralism is visible in how they interact with one another on a daily basis. India's pluralism has encouraged a feeling of unity in variety, as individuals from various linguistic, cultural, ethnic, and religious origins join together to form a thriving and peaceful society. It has given different groups a forum for discussion, mutual respect, and tolerance, promoting harmony and collaboration.

Additionally, India's plurality has helped it build a reputation as a multicultural and open-minded country abroad. It has gained recognition as a singular example of a culture that celebrates variety and encourages inclusivity, serving as a role model for other nations battling problems linked to religious, cultural, and racial diversity.

RELIGIOUS FREEDOM ADDRESSING SECULARISM IN THE INDIAN CONSTITUTION

The worldwide ideals of acceptance, tolerance, and respect have been applied to the secularism of the Indian viewpoint. The idea that India is a humanistic ideal that accepts all of its citizens regardless of their differences in language, religion, or culture has been promoted by incorporating secularism into the national identity. India is not only a country with a distinct geographic character. The secularist tenet that all religious and cultural groups in India have an equal right to profess their faith and to receive education in their home tongue is a reflection of the country's diversity.

In numerous judgements, the Supreme Court has made attempts to outline and explain the idea of 'Secularism' as it applies to India. In the early case of Sardar Taheruddin Syedna Saheb v State of Bombay[1], Ayyangar J. described the secular character of the Indian Constitution by pointing out that Articles 25 and 26[2] embodied the concepts concerning religious tolerance that have been an essential component of Indian civilizations since the beginning of time. The instances and periods in which this feature was absent were only fleeting anomalies. They also underscore the secular nature of Indian democracy, which the founding fathers saw as a cornerstone of the document.

Secularism was acknowledged by way of a fundamental component of the Constitution in the case of Kesavananda Bharati v State of Kerala[3]. According to Ahmedabad St. Xaviers College Society v State of Gujarat[4], 'secularism in the context of our Constitution means only an attitude of live and let live, developing into the attitude of live and help live.' In Ziyauddin Burhanuddin Bukhari v Brijmohan Ram Das Mehra, the current Indian notion of secularism was further explained.[5]

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[1] *Sardar Taheruddin Syedna Saheb v State of Bombay* AIR 1962 SC 853

[2] 'Scope of Morality under Article 25 & 26 of the Constitution: Constitutional Morality Versus Public Morality' (*Prime Legal*, 20 November 2022) <https://primelegal.in2022/11/20/scope-of-morality-under-article-25-26-of-the-constitution-constitutional-morality-versus-public-morality/> accessed 06 February 2024

[3] *Kesavananda Bharati v State of Kerala* (1973) 4 SCC 225

[4] *Ahmedabad St. Xaviers College Society v State of Gujarat* AIR 1974 SC 1389

[5] *Ziyauddin Burhanuddin Bukhari v Brijmohan Ram Das Mehra* AIR 1975 SC 1778

The Apex Court noted that the word 'Secularism' suggests that the government should respect all religions equally and not be hostile to any one religion in the landmark decision of S. R. Bommai v Union of India. The 'principles of accommodation and tolerance' are the cornerstones of secularism, according to Ahmadi J. Every person is free to practise and publicly express their religion, but they remain, secular citizens when they respect the rights of others to do the same.[6]

The court in the subsequent case of Ismail Faruqui v Union of India[7] attempted to provide an Indianized meaning of secularism by using ancient Indian writings such as the Yajur-Veda, Atharva-Veda, and Rig-Veda, in opposition to the Western understanding of the term. Additionally, the court officially acknowledged the sarvadharmasambhava doctrine, which was primarily predicated on the ideas of tolerance. The court in the Manohar Joshi v Natin Bhaurao Patil[8] case upheld tolerance and determined that concepts like Hinduism and Hindutva were not intrinsically anti-secular. The statement made it clear that 'the terms 'Hinduism' and 'Hindutva' are not always to be understood and construed broadly, confined only to strict Hindu religious practises, unrelated to the culture and ethos of the people of India, depicting the way of life of the Indian people.'[9]

IMPORTANT CONCEPT IN RELIGIOUS THEORY

The Indian Supreme Court has endeavoured to find equilibrium among diverse rights, including individual autonomy, community-centered religious convictions and rituals, the prerogatives of religious groups to govern their spiritual affairs, and the state's secular authority to intervene for reasons of public order, health, and morality, by formulating the doctrine of an indispensable religious element within the scope of their judicial review authority.

This notion had been used by the judiciary in numerous of its judgements as the guardian and protector of basic rights. The Apex Court had to consider the extent of government intrusion and the landmark decision upholding religious communities' authority to manage their own

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[6] *S. R. Bommai v Union of India* AIR 1994 SC 1918
[7] *Ismail Faruqui v Union of India* AIR 1995 SC 605
[8] *Manohar Joshi v Natin Bhaurao Patil* AIR 1996 SC 796
[9] *Ibid*

affairs of Sri Jagannath Ramanuj v State of Orissa. It was decided that those who are not involved in the institution's spiritual operations cannot have unchecked and unfettered permission to enter a public temple or other place of worship. It has long been customary to forbid visitors from entering the most holy areas of a temple, such as an area where the god is housed, for example.[10]

Similar to this, a petition challenging the laws prohibiting the killing of specific animals in the states of Bihar, Uttar Pradesh, and Madhya Pradesh was submitted in Mohd. Hanif Quareshi v State of Bihar. The Court rejected the case, holding that the sacrifice of the cow on Bakri Id was not a vital aspect of Islam as claimed and that such laws violated Muslims' inalienable freedom to do so on this day.[11]

In the judgment of Stanislaus v State of M.P.,[12] The Apex Court awarded the right to religious conversion a restricted interpretation to reach a balance between the concepts of secularism and individual freedom of religion. Through a petition, the Madhya Pradesh Act, which criminalizes conversion or attempts to convert through the use of force, fraud, or allurement was contested in this case. The Court decided that since each person possesses the freedom of 'conscience', the right to disseminate encompasses the freedom to share the doctrine of his or her faith but excludes the right to convert. Comparably, freedom of conscience includes the ability to practice any religion one desires as well as the refusal to give in to duress, fraud, seduction, or temptation.

Similarly to this, it was determined in Dr. M. Ismail Faruqui v Union of India[13] that a mosque is not a requirement for practising Islam and that namaaz[14] can be delivered anywhere, including in public, by Muslims. In the case of Commissioner of Police v Acharya Jagadiswarananda

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[10] *Sri Jagannath Ramanuj v State of Orissa* AIR 1954 SC 400

[11] *Mohd. Hanif Quareshi v State of Bihar* AIR 1958 SC 731

[12] *Rev Stanislaus v Madhya Pradesh* (1977) SCR (2) 611

[13] *Dr M. Ismail Faruqui v Union of India* AIR 1995 SC 605

[14] 'Namaz Definition & Meaning' (*Merriam-Webster*) <https://www.merriam-webster.com/dictionary/namaz> accessed 20 January 2024

Avadhuta, it was decided that the sword-showing Tandava dance was not a necessary ritual for the Ananda Margis.[15]

Therefore, it is part of the judiciary's duty to guarantee that the state's secular responsibilities are appropriately balanced with the basic religious liberties protected by Articles 25 and 26 of the Constitution. To that end, the court may take into account religious doctrine, tenets, and beliefs when determining what is fundamental or integral to religion.

THE CONFLICT BETWEEN GENDER RIGHTS AND INDIGENOUS RELIGIOUS MORALS

The increased acceptance of gender rights in recent years has sparked a conversation about gender concerns being taken into account in the broader framework of secularism. It has been shown that women generally experience discrimination in relation to inheritance, divorce, and other personal laws. Additionally, it was observed that entrance to many religious institutions is still predicated on gender disparity. These gender-based disparities that exist across the many religious communities go against the secularism and equality that the Constitution upholds. The current conflict between religious freedom and secularism is partly brought on by the push for gender equality, which is sometimes stifled under community coercion in the interests of individuality and freedom of religion.

In the infamous case of Md. Ahmed Khan v Shah Bano Begum[16], the judiciary supported the right of Muslim women to claim maintenance following a divorce. But in order to outline the parameters of Muslim women's maintenance claim rights, then the Muslim Women (Protection of Rights on Divorce) Act was approved by the government in 1986. Even if a divorced Muslim woman had better protection under the law, it was still far less than what the court had ordered. In the historic case of Shayara Bano v State of Uttar Pradesh in 2017, the Supreme Court

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[15] *Commissioner of Police v Acharya Jagadiswarananda Avadhuta* [AIR 1984 SC 512
[16] *Md. Ahmed Khan v Shah Bano Begum* (1985) 2 SCC 556

outlawed triple talaq, recognising the unequal position of Muslim women in the context of rapid divorce.[17]

The Court's decision was mainly supported by the argument that Triple Talaq was against equality principles and against constitutional morality and that all personal laws should be evaluated in the context of fundamental rights. The Supreme Court, which defends and upholds basic rights, saw fit to intervene in Muslim couples' marital rituals since the Triple Talaq violated such rights. The court determined that the practice of triple talaq was disrespectful to women's dignity and violated the foundations of gender equality, concluding that it was not a significant religious practice and should be abolished after examining the various religious scriptures. It was specifically stated that Article 14 of the Constitution requires 'gender equality, gender equity, and gender justice' and that the freedom of religion and individual rights must be balanced.

Similar to this, a law-and-order situation has arisen in the state of Kerala as a result of the recent ruling about the opening up of the Sabarimala shrine to female pilgrims. Women between the ages of 7 and 60 are not allowed into the temple grounds due to the widely held belief that Lord Ayyapa was celibate. Rule 3(b) of the Kerala Hindu Places of Public Worship Rules (Authorization of Entry) Act, 1965 (Act)[18] forbade women of menstrual age from visiting the temple. The Indian Young Lawyers Association challenged the provision in the Indian Young Lawyers Association v State of Kerala[19] lawsuit on several grounds, including whether or not a woman's ability to procreate might be used as a justification for discriminating against her. The majority ruling said that, as menstruation is a natural characteristic that only women possess, denying access to women who are menstruating violates Article 15(1)[20] of the Constitution in and of itself since it is discriminatory. The right of Hindu women to enter publicly accessible temples was violated.

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[17] *Shayara Bano v State of Uttar Pradesh* (2017) 9 SCC 1

[18] 'Constitutional and Legal Bases of Sabarimala Verdict' *Financial Express* (17 October 2018) <https://www.financialexpress.com/india-news/the-constitutional-and-legal-bases-of-the-sabarimala-verdict-october-17-2018/1352605/> accessed 21 January 2024

[19] *Indian Young Lawyers Association v The State of Kerala* (2019) 11 SCC 1

[20] Constitution of India 1950, art 15(1)

Due to the public character of the temple, all devotees have the unrestricted right to enter for darshan, or devotion, regardless of the actions of the temple's authorities. Additionally, it was decided that women were not required to participate in Lord Ayappa's worship, hence this practice could not be defended based on religious freedom. There should be equality between the different faiths among community members of a certain religion.

Secularism will be viewed as a hoax if women's rights are restricted under the guise of religious beliefs. The judiciary has interpreted the Indian Constitution as a tool for social progress, holding that every individual has the freedom and the right to live a life of equality and dignity. Women's equality under personal law and treatment of all religions must be included in the concepts of secularism and religious freedom. The state must break down patriarchal conventions and gender-based taboos to uphold a secular ethos.

UNIFORM CIVIL CODE

A universal religious code of practice may be produced by combining all the various religious rules, which is why the creation of a uniform civil code (UCC) is currently in high demand. According to Article 44[21] of the Chapter on Directive Principles of State Policy, the Constitution requires the implementation of the UCC. The UCC should be included in the 'secularism hypothesis' according to arguments made by the Supreme Court in the case of Sarla Mudgal v Union of India[22]. By combining the 'best traditions and harmonizing them with the modern times', the current demand for UCC's implementation aims to achieve gender equality.[23]

Until efforts are made to create an environment of equality without compromising social, cultural, linguistic, or religious plurality, UCC will remain a far-off goal. According to Sarvadharmasambhava, the true meaning of secularism is to treat every member of every faith community equally. The Indian concepts of multiculturalism, legal pluralism, and secularism

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[21] 'Directive Principles of State Policy Article 44' (*Unacademy*) <https://unacademy.com/content/nda/study-material/general-knowledge/directive-principles-of-state-policy-article-44/> accessed 22 January 2024
[22] *Sarla Mudgal v Union of India* (1995) 3 SCC 635
[23] Shyamlal Yadav, 'Uniform Civil Code: How the BJP, RSS Position Has Changed since Independence' *The Indian Express* (21 July 2023) <https://indianexpress.com/article/explained/explained-politics/uniform-civil-code-bjp-rss-position-since-independence-8850998/> accessed 22 January 2024

should be the guiding light until a consensus on the standards and values of the UCC is reached. This will ensure that every person of every religion is treated equally with respect and dignity and that the constitutional obligation to 'promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic, and regional or sectional diversities' is properly implemented.[24]

DEFECTS OF PLURALISM IN INDIA

Although diversity is often praised in India, it is not without difficulties and restrictions. The followings are some flaws or deficiencies with the way pluralism is practised in India:

Despite constitutional clauses and a legal system that supports secularism and religious tolerance, communal tensions and disputes between various religious groups have been recurrent problems in India. Instances of religious intolerance, prejudice, and violence motivated by a person's faith or sense of community have been reported across the nation, causing social unrest, and weakening pluralistic values.

Caste discrimination is a pervasive societal problem in India and a threat to pluralism. Despite being formally abolished, India's caste system still has a substantial effect on millions of people, particularly caste-based individuals and marginalised groups. In many areas of the country, caste-based prejudice, discrimination, and violence are pervasive, undermining the values of equality and inclusion.

Despite the fact that India embraces its linguistic variety, there may be linguistic disagreements and difficulties in some areas. Social tensions and difficulties in advancing linguistic diversity can occasionally be caused by disputes over language policy, calls for separate nations based on linguistic identity, and problems with language supremacy. Diversity is occasionally used for political benefit in India because of its varied population and pluralistic environment. Politicians may leverage religious, caste, ethnic, or linguistic identities to achieve their political objectives,

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[24] Constitution of India 1950, art 51A

which can polarise communities, undermine the pluralistic spirit, and cause conflict and division.

Limited representation of marginalised groups: Although affirmative action policies like reservations for historically disadvantaged communities are in existence in India, their execution has occasionally run into problems. The realisation of true pluralism and fair opportunity for all can be hampered by the underrepresentation of marginalised groups in political, social, and economic sectors.

Lack of knowledge and education: Not understanding the value of plurality and variety can also be problematic. Lack of education and awareness can lead to prejudices, preconceptions, and biases based on race, religion, caste, ethnicity, or language, which makes it harder to spread inclusivity and understanding.

It is critical to identify these shortcomings and difficulties in India's pluralistic practice and make efforts to overcome them through more understanding, instruction, conversation, and inclusive policy. A truly inclusive and peaceful society founded on the ideals of pluralism must develop tolerance, mutual respect, and understanding among varied groups.

CURRENT SCENARIO

The pluralism situation in India as of the knowledge cut-off date of September 2021 is complicated and multidimensional, showing both ongoing problems and encouraging improvements.

On the plus side, India is still a multicultural and welcoming country where individuals of many linguistic, ethnic, cultural, and religious origins coexist. The Indian Constitution upholds the principles of secularism, equality, and inclusion while guaranteeing the preservation of basic rights and freedoms, including the freedom of expression and religion. India's legal system prohibits discrimination based on race, religion, caste, language, or any other attribute and promotes variety.

The complex cultural landscape of India, where a variety of traditions, holidays, and rituals are observed, also reflects the country's multi-ethnic background. Many Indians support interfaith harmony, engage in communication and collaboration between other groups, and uphold the pluralistic spirit.

Additionally, through affirmative action policies like reservations in politics, employment, and education, India has made significant strides towards the social and economic empowerment of historically marginalised groups like Scheduled Castes, Scheduled Tribes, and Other Backward Classes. As a result, increased representation, and involvement of these groups in numerous areas of public life has helped to advance pluralism and inclusivity.

India, however, continues to experience issues with pluralism. There are still instances of religious intolerance, strife, and tension amongst communities in various areas of the nation. Despite constitutional prohibitions against it, caste-based discrimination still exists in a variety of ways. Tensions and wars can occasionally result from language disagreements and proposals for separate governments based on linguistic identity. Pluralism may also be threatened by the political exploitation of variety and polarisation along religious, caste, or ethnic lines.

Concerns have been raised recently regarding the increase in hate speech, inter-communal violence, and societal polarization in several regions of India. There have been reports of discrimination, violence, and violations of rights in several minority populations. Additionally, there have been discussions and conflicts around subjects such as freedom of expression, cow vigilantism, and religious conversion that have an impact on India's diversity.

It is crucial to remember that India's pluralism situation is dynamic and subject to change. There are continuing initiatives to support interfaith harmony, social cohesion, and inclusivity from a variety of parties, including the government, civil society, and individuals. Encouragement of a strong and inclusive pluralistic society in India requires encouraging awareness, education, and mutual understanding among varied groups, ensuring the successful implementation of inclusive policies, and supporting the ideals of secularism, equality, and justice.

Additionally, grassroots efforts are being made by civil society organisations, activists, and individuals to encourage interfaith conversation, cultural exchange, and social harmony. In India, a variety of projects and movements have been launched to encourage inclusivity, tolerance, and respect between different communities.

India has recently placed a greater focus on fostering social harmony, interfaith discussion, and acceptance of variety as a result of a rising realisation of the value of pluralism and inclusivity. Many governmental and non-governmental initiatives have been made to support a setting that respects pluralistic ideals, including public relations campaigns, educational initiatives, and policy changes to combat prejudice and advance inclusivity.

The Indian court system has also been instrumental in defending and sustaining pluralistic ideas. The Supreme Court of India has issued precedent-setting rulings upholding the freedom of religion, the value of secularism, and the necessity of defending the rights of racial and religious minorities. These judicial actions have been crucial in defending pluralistic ideals and advancing equality and tolerance.

However, it is essential to recognise that there is still work to be done and that problems and challenges relating to diversity in India still exist. Realising India's pluralism to its full potential may be hampered by racial discrimination, polarisation, and inter-communal conflicts. Pluralism and social concord may be threatened by political and social forces that try to capitalise on differences based on religion, caste, ethnicity, or language.

CONCLUSION

India's pluralistic situation right now is a reflection of both progress and enduring difficulties. Despite the fact that India's legal system and constitution support secularism, equality, and inclusivity, there are still problems that need to be resolved, including caste prejudice, language differences, and the political exploitation of variety. A strong and inclusive pluralistic society may be fostered in India through initiatives to promote awareness, education, interfaith dialogue, and social cohesiveness, as well as the efficient use of inclusive policies. To protect

pluralistic ideals and advance social peace and inclusivity in India, the government, civic society, individuals, and diverse stakeholders must work together.

The Constitution mandates the preservation of the secular identity of Indian citizens, emphasising the need to harmonise individual freedoms with the state's duty to foster a fair social structure based on equality and non-discrimination principles. Nonetheless, it's crucial to prioritize the value and respect for women, ensuring that any societal or religious practice linked to a specific faith remains secondary to women's fundamental liberties and human rights.